

Our immigrant population is growing and the vast majority of these immigrants are from Asia and Latin America. If we can capitalize upon their linguistic abilities, we can ensure that young immigrants and the children of immigrants will be a valuable asset to our national competitiveness in the global economy.

Moreover, if we fail to adequately fund bilingual and immigrant education programs, we will set many children up for failure and lose the benefits of their valuable linguistic skills. In the long run, the result will be that many of our young immigrants and their children will be unable to contribute fully to the future of this Nation. I do not believe neglecting the needs of citizens that speak English as a second language is sound policy.

Any decrease in funding for bilingual education programs will promote frustration, segregation, and discrimination between those who have mastered the English language and those who have been denied the opportunity to do so.

Further, the safe and drug free schools have proven to be effective in informing our youth of the severe consequences of participating in this illicit activity. Although there has been a shift in favor of punishment rather than prevention in dealing with crime, this approach may not be the best solution for young people. The sad fact is that between 1985 and 1993, juvenile crime rose 58 percent. Clearly, an interventionist response that reaches out to our Nations' youth is needed. Funds for crime and drug prevention programs in schools help to meet this need. Furthermore, these funds ensure that important State and local educational resources will not have to be increasingly diverted from mainstream educational initiatives in order to address the problems of crime and drugs. In short, the program not only provides important preventative initiatives, but indirectly helps to ensure that all students get the resources they deserve for education, and that they are educated in a safe and focused environment.

These particular program address some of the most pressing needs of my district and I believe these programs simply cannot afford to be cut.

I am pleased by the bipartisan effort to stave off another Government shutdown. Moreover, I encourage my colleagues to fulfill their commitment to the American people and continue to serve the interest of the American people in protecting essential social and educational programs.

NO DESSERT UNTIL WE CLEAN
OUR PLATES

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. DURBIN. Mr. Speaker, until we have taken care of spending bills for the rest of government operations, we have no business taking care of ourselves. Today, along with my colleagues, Representatives MORELLA, DAVIS, and LUTHER, I am introducing a resolution to postpone final action on Legislative Branch appropriations for any fiscal year until all other regular appropriations for that fiscal year have been enacted into law.

The resolution adds new points of order under three House Rules. These would pre-

clude final action on the regular Legislative Branch appropriations bill, if all other regular appropriations bills for the fiscal year have not been enacted into law. Similarly, a continuing resolution could not contain Legislative Branch appropriations unless it also included continuing appropriations for the same period for all other regular appropriations bills for the fiscal year that have not yet been enacted into law.

Basically, this means, for Legislative Branch appropriations, there could be no final action on conference reports, no motions on Senate amendments, and no action on continuing resolutions if we have not first, or concurrently, provided appropriations for the other twelve regular appropriations. This resolution would ensure that the Legislative Branch is last in line for appropriations in the future.

The concept is elementary—no dessert until we clean our plates.

Last September, Congress made the mistake of trying to fully fund the Legislative Branch bill for fiscal year 1996 before taking care of nearly every other appropriations bill. And it backfired. The Legislative Branch spending bill was vetoed the first time around—not because of its content, but because of its timing.

Even after a Legislative Branch appropriations bill was enacted, many regular appropriations bills remained in limbo. As a result, the second Government shutdown did not affect Congressional operations.

We should never again leave major portions of the Government hanging, with ourselves high and dry. We should never again play with the lives of innocent Federal employees and disrupt the operations of Government unless we are willing to risk our own time, our own staff, and our own operations. We should never again enjoy our dessert while our main course remains on the table before us.

I urge my colleagues to join me in cosponsoring this resolution to make sure that before we ever fund ourselves again, we have first met our obligation to take care of the rest of our Government operations and the public we are here to serve.

NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1996

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. WHITE. Mr. Speaker, today, the gentleman from Oregon, Mr. Bunn, is introducing the Ninth Circuit Court of Appeals Reorganization Act of 1996. I am an original cosponsor of this legislation.

The Ninth Circuit Court of Appeals Reorganization Act is important legislation which will vastly improve the judicial process in the western United States. In terms of geographic area, population, and caseload, the current Ninth Circuit is much too big. By splitting the Ninth Circuit and creating a new Twelfth Circuit, we will ensure the highest quality and most efficient jurisprudence for both the Ninth Circuit and the new Twelfth Circuit.

Under Mr. Bunn's bill, the headquarters of the Twelfth Circuit will be Portland, OR. Although I am original cosponsor of this legislation, it is my belief that the Twelfth Circuit's

headquarters should be Seattle, WA. I commend Mr. Bunn for his leadership on this issue, but I differ with him on this one point. In terms of accessibility and economic significance, Seattle is the logical location for the headquarters of the Twelfth Circuit. As this bill moves through the legislative process, I look forward to working with Mr. BUNN and Chairman HYDE and hopefully come to an equitable solution to this issue.

TRIBUTE TO SENATOR MARSHALL
BURNS WILLIAMS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. SPENCE. Mr. Speaker, I rise today to honor the memory of Marshall Burns Williams, who at the time of his death, on December 28, 1995, was the president pro tempore of the South Carolina Senate. Senator Williams was a distinguished statesman, who had been a member of the South Carolina Legislature for 48 years. He served continuously in the senate for 42 years, and was the longest serving State senator in the Nation.

Marshall Williams was a gentleman of the "old school," who was an accomplished trial attorney, a successful farmer, and a sportsman. He lived all of his life in rural Orangeburg County, an area in which his family had resided for many generations. Growing up on a farm, Marshall Williams developed a deep affection for the land and the people who made their living from it. When asked his occupation, he would tell you that he was a lawyer and a farmer. He excelled at both.

Senator Williams and I became friends when I was elected to the South Carolina House of Representatives, and I had the privilege of serving with him when I was in the senate. He was a reasonable person who appreciate the needs of his constituency and he was always working to improve the lives of those who lived in rural areas of our State.

Senator Williams was noted for his contemplative style. He was very effective at bringing lawmakers holding opposing views together to craft a compromise, often using humorous stories to make a point. He was a skillful arbiter of issues, and he was highly respected by his colleagues.

Marshall Williams also distinguished himself in the legal profession. He relished being a trial attorney, and he was widely recognized for his courtroom skills. He was especially proud of being a Fellow of the American College of Trial Lawyers.

Throughout his life, Marshall Williams was dedicated to being of service to others. This brought him much success in politics and in his profession; however, he did not seek recognition. In his unassuming manner, he helped to direct South Carolina from being a State in which the economy was largely based on agriculture, to one which focused on education and economic development—the progressive Palmetto State that we know today.

Senator Williams was an outstanding man who cherished his family. His passing is mourned by many who knew him as their friend. Our State has greatly benefited from his leadership.

THANK YOU SHERIFF
ENGLEHARDT

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. MARTINI. Mr. Speaker, I rise today to honor an outstanding citizen and public servant who has contributed to the growth and the safety of his community. Sheriff Ed Englehardt of Passaic County, NJ, has for decades been a leader who has inspired both the men and women of Passaic County to tackle the challenges their community faces on a daily basis.

In the very challenging world of law enforcement, Sheriff Englehardt has demonstrated the uncanny ability to harness all the energy available to him, and create a safer environment for the betterment of the residents of his community. His commitment is to serve with firmness, fairness, and efficiency.

At a time when other sheriffs are complaining that their jails are full and they cannot take any more prisoners, Sheriff Englehardt stands alone in letting the judges know that he can always find room to receive the criminals that they sentence.

For over 20 years, Ed Englehardt has served as Sheriff of Passaic County, employing approximately 600 sworn and civilian personnel. Sheriff Englehardt's strong leadership abilities have enabled him to foster feelings of mutual respect and trust between the civilians and the Sheriff's officers of Passaic County. Despite budgetary constraints that are affecting not only Passaic County but also the entire country, Sheriff Englehardt vowed not to be a victim. He has avoided any cutbacks that would alter his proficient training system. Sheriff Englehardt's officers receive top-of-the-line training to guarantee safety and efficiency for the entire community. This is an unbelievable accomplishment, one that the entire community should be thankful for.

One of Sheriff Englehardt's greatest accomplishments is his creation of the Sheriff's Emergency Response Team. For over 13 years, this service has provided immediate response to emergencies anywhere in the county. The men and women who serve on the emergency response teams are highly trained professionals who volunteer their time to meet the needs of their community 24 hours a day. Sheriff Englehardt's ability to make his vision a reality is exemplary. He not only has provided this sophisticated service to the county, but also he has saved taxpayers thousands of dollars and more importantly, he has saved lives and has protected the residents of Passaic County.

To recognize Sheriff Ed Englehardt is a great honor for me. By honoring him, I am also applauding the county of Passaic for recognizing his abilities and his successes time and time again. His constant will to improve a diversified community is a testament to his belief in and love of Passaic County. His reputation as being, "The toughest Sheriff in the State" is respectfully deserved.

Mr. Speaker, it is a pleasure today not only to recognize the toughest Sheriff in the State, but the best. It is a real honor to be able to call Sheriff Ed Englehardt a friend.

CAN THE FDA REDUCE UNDERAGE
TOBACCO USE?

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. TANNER. Mr. Speaker, almost six months go, claiming his desire to curb underage tobacco use, President Clinton announced that the Food and Drug Administration would be asserting regulatory jurisdiction over tobacco products. I share the President's concern for preventing tobacco use by minors. But, for the FDA to assume responsibility for this issue runs counter to statutory, regulatory, and agency precedence. I do not believe, it will prove effective in reducing underage tobacco use.

The FDA's proposed assertion of jurisdiction over tobacco stands out as another example of the Federal Government attempting to assume powers rightfully within the purview of Congress and of the individual states. Congress has expressly reserved to itself the authority to regulate tobacco products, leaving the bulk of tobacco regulation to the states—including taxation, age of purchase, and certain aspects of tobacco use, including the manner and method of retail transaction.

In its most recent action with respect to the regulation of tobacco, the ADAMHA Reorganization of 1992, Congress addressed this in the appropriate manner—it required states, as a condition for receiving certain federal grants, to enact statutes prohibiting tobacco sales to minors. Also required of the states are random inspections and certain reporting obligations.

As a result of the congressional-established scheme, every state in the Union now has a law on its books banning tobacco sales to minors. But beyond this arrangement, Congress left to the States virtually every other aspect of underage sale of tobacco. All States accepting funds under the federal scheme remain free to enact or reject other steps relative to tobacco sales to minors.

Proposed regulations for implementing this Act were issued on August 23, 1993. Last week, after nearly 2 years and 5 months, the Department of Health and Human Services finally promulgated its final regulations. The fact that it took the Department so long to set forth these regulations underscores the inherent limitation of Federal action and further demonstrates that Congress was on the right track when it gave to the states the primary responsibility for handling this complex problem.

Still, FDA has attempted to seize jurisdiction over tobacco products. For nearly 90 years, and on at least twenty different occasions congress has specifically rejected proposed legislation to grant FDA jurisdiction over tobacco. This includes seven occasion over the last decade.

During this same period, FDA itself has concluded on numerous occasions that it has no jurisdiction over tobacco markets without claims of "therapeutic benefit." It has recognized that Congress never granted it such authority, and it has acted only where a particular brand of cigarettes carried specious claims that it would prevent disease or affect the structure of the body. Indeed, as recently as last year, FDA Commissioner Kessler stated that Congress would need to provide some new direction before the FDA could assert jurisdiction over cigarettes.

Despite this long history of Congressional denial of FDA jurisdiction over tobacco, and the long history of FDA concurrence in this jurisdictional arrangement, the FDA is now without any legislation or other guidance from Congress whatsoever, attempting to assert jurisdiction over tobacco products.

The FDA proposal cites 21 U.S.C., section 352 (misbranded drugs), section 360 (registration of producers of drugs or devices), section 360j (general provisions respecting control of devices intended for human use), section 371 (authority to promulgate regulations for the efficient enforcement of the Federal Food, Drug and Cosmetic Act), and section 374 (inspection of manufactures of food, drugs, devices or cosmetics) as authority. However, nowhere in these statutes is there any expression of congressional intent or grant of authority to the FDA to assume authority over tobacco sales to minors.

The President recently addressed the Nation, sharing with American people his assessment as to the state of the nation—and the challenges the country faces in the coming year. Among the challenges he cited was reducing underage tobacco use. However, this is challenge which Congress has already addressed. With the promulgation of the final rule implementing the ADAMHA Reorganization Act of 1992, the tools for addressing this problem in the most effective and efficient manner are now in place. The Federal Government should continue to work with the individual states as they each undertake, as delegated to them under this Act, the challenge of preventing the distribution of tobacco products to minors.

At the same time, for the purpose of preserving the integrity of the Constitutional framework of our government, the FDA must be prevented from assuming jurisdiction over this product. A precedent must not be set whereby a Federal bureaucrat, in contravention of the Constitution, can carve out for himself and his agency, rights and prerogatives specifically reserved by the Constitution to the Congress and the states.

A GREAT MAN RETIRES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. PORTMAN. Mr. Speaker, I would like to call your attention to a constituent of mine, Robert Groh, who has devoted over two and a half decades of service to the State of Ohio and the Town of Amelia. He retired on Sunday January 1, 1995 and Mayor of Amelia, ending his 18 years of public life.

Mayor Groh first served in the early 1950's when the town of Amelia was a rural community with roughly 500 residents and only one two-lane road. Today, thanks to Robert Groh's dedication, Amelia has bloomed into a community of over 2,200. Mr. Groh is credited with being able to ease the "growing pains" of this developing community with his ability to understand the concerns of the parties involved and to create solutions meeting the needs of all concerned.

As a father of three, and a grandfather of six, Robert Groh balanced a career at Proctor & Gamble with his family-run monument business, and his 26 years of service to Amelia as